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EDITOR AND PROPRIETOR.

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" LIBERTY, THE UNION, AND THE CONSTITUTION."

CITY OF WASHINGTON, SATURDAY MORNING, ARRIL 1, 1854

DEFERRED DEBATE. MONDAY, MARCH 27, 1854.

CONGRESSIONAL.

SENATE.

EXECUTIVE SESSION,—HOMESTEAD BILL.

Mr. MASON. I move that the Senate proceed to

The PRESIDENT. That is true.

Mr. WALKER. I wish that the Senate may understand distinctly what we are voting upon. It is to postpone the special order, which is the homeatead bill, in order to proceed to the consideration of executive business. If the Senate vote for that motion, I shall not rebel; but, at the same time, I prefer that the special order shall take precedence.

The PRESIDENT. Does the senator from Virginia withdraw his motion?

The PRESIDENT. Does the senator from Virginia withdraw his motion?

Mr. MASON. I do not, sir.

Mr. SHIELDS I was about to appeal to the honorable senator to withdraw his motion, for the purpose of allowing me to report, and ask the Senate to consider two joint resolutions from the House. One provides for the distribution of arms, and the other is explanatory of the law regulating the number of cadets to be appointed to the Military Academy at West Point. I hope both will be passed without any debate. I would state to the honorable senator that the anxiety for passing one of these joint resolutions is on account of the necessity of appointing cadets at this time to enter their classes. That

Mr. MASON. I should be gratified if I could accede to the request; but I cannot, for reasons which I am sure the senator will appreciate.

Mr. DODGE, of Iowa. Mr. President, I should like very much to have an understanding as to some time at which we can get the Senate to take up the homestead bill. If there is to be a regular pitched battle between the homestead bill and the Gadsden treaty, or some other matter of that sort not proper now to be debated, I wish to know exactly when it is to come on, and to know it as soon as possible. I wish, in other words, to divide the time, if the executive sessions are to be prolonged much further. I make no announcement as to my partiality for either of those measures. I am openly for one, and the other is not a matter about which I am privileged to speak at present. Wha' I wish is, a fair division of the time between them; and I want the friends of the homestead bill now to bring themselves up, night and morning, to the scratch, so that we shall test the matter before it is overslaughed. I know that that measure has been overslaughed in time past, under this sort of pressure; and I wish to warn its friends that it will be so again, if they do not guard against it. It has a great many enemies that it ought not to have, and I am astonished that it should have them. We are to have a severe conflict for it; and if the executive business is to be prolonged for a great period, I wish to divide the time of the Senate between that and the homestead hill.

Mr. BRODHEAD. Mr. President, there is another

longed for a great period, I wish to divide the time of the Senate between that and the homestead hill.

Mr. BRODHEAD. Mr. President, there is another hill in regard to which I should like to make an inquiry of my friend from I owa, as he is the chairman of the Committee on Public Lands. I have had, for some time, before the committee, a bill granting one hundred and sixty acres of land to each of the old soldiers, and to their descendants; and I want to know what has become of its livest and the lives of t

should not proceed to the consideration of executive business. Mr. WALKER. The senator from Pennsylvania asks what has become of his bill to give to each of the old soldiers one hundred and sixty acres of land? I do not think anybody will complain of his lack of assiduity in pursuing that matter. He has been personing at the beels of every land bill which has been before Congress for some time, and he has met with but very little sympathy from anybody else. I can inform him, however, that I have got that bill in my special charge, and I am taking particular care of it; and in order that his "old soldiers" may not get the advantage of anybody else, we propose to pass the homestead bill, and give a homestrad of one to pass the homestead bill, and give a homestead of one bundred and sixty acres of land, not only to each of them, but to everybody else—and that, too, in addition to what they have already ha! Some of them have rewhat they have already ha! Some of them have rewhat they have already ha! Some of them have rewhat they have already ha! Some of them have rewhat they have already ha! Some of them have rewhat they have already ha! Some of them have rewhat they have already ha! Some of them have rewhat they have already ha! Some of them have rewhat they have already ha! Some of them have rewhat they have already ha! Some of them have rewhat they have already ha! Some of them have rewhat they have already has a contest that they have already has a contest to the second that they have already has a contest to the rewhat have rewhat had been rewhat they have already has a contest to the rewhat had been rewhat they have already has a contest to the rewhat had been rewhat they have already has a contest to the rewhat had been rewhat they have already has a contest to the rewhat had been rewhat they have already has a contest to the rewhat had been rewhat they have already has a contest to the rewhat had been rewhat had bee stes, for an hour's, or for one day's service; and we propose to give to each of them, and to their widows, and their sons, and their daughters, by the homestead bill, one hundred and sixty acres of land. Unless the senator is particular as to the manner in which they shall get their one hundred and sixty acres, he need not press his "old-soldier" bill very streamously, but let him vote for the homestead bill, and when that passes, they will get one hundred and sixty acres, in addition to what they have got under bills previously passed. I can inform him, also, that he shall have a report on his bill before a great while; but I cannot say that it will be favorable.

Mr. GWIN. I shall not interpose any objection or obstacle to the consideration of executive business, but as notices have been served here in regard to bills as to which should have precedence, I give notice to the Sencorporations, to great monopolies, or even to the nation at large, is of more importance than that which affects at each to the country that there is another measure in faitely more important than all of those, in secret or in open session, which have been spoken of, which I intend to urree upon the Senate at an early day, in preference to all others—I refer to the bill which was made the special order for this day, providing for the construction of a railroad to connect the waters of the Mississippi with the Pacific ocean. I am in favor of the bill shall be taken up, to insist that it shall be considered to messive and I hope those who are in lavor of both measures will not come into collision. We are in this condition in retard to the measure which I propose to press upon the Senate at an early day. It has not yet been discussed in either bouse of Congress at this session. The homestead hill has been fally decoseed, and has been passed by the House, and we can take it up at any time. It is completely within our control. The Pacific-railroad bill is a question of more importance, and we can take it up at any time. It is completely within our control. The Pacific-railroad bill is act, That is a subject which, if not brought up at an early day, wall, I fear, he overslaughed and lost entirely is shall feel if to he my duty at an early day—certainly not beyond this day week—to ask the Senate to take up who have the homestead bill in charge, if they are desir-

Senate at an early day. It has not yet been discussed in tither bouse of Congress at this accion. The homestead bill has been fully discussed, and has been passed by the House, and we can take it up at any time. It is completely within our control. The Pacific-railroad bill is not. That is a subject which, if not brought up at an early day, will, I fear, be over-laughed and lost entirely, I shall feel it to he my duty at an early day—accrtainly not beyond this day week—to ask the Senate to take up and dispose of that bill, no matter what may be in the way.

Mr. WALKER. It is now the special order.
Mr. DOUGLAS. Then I hope we may proceed with it now. It is a very important measure. It has passed the House of Representatives twice, but we have never yet had a vote upon it in this body. I think it is a measure of such transcendent importance that we ought to give it a preference, and proceed to its consideration. I do not wish to interfere with other business, but I hope that bill may not be expressed.

give it a preference, and proceed to its consideration. I do not wish to interfere with other business, but I hope that bill may not be postponed.

Mr. CLAY. Mr. President, I wish to state two reasons why I think it would be better to defer the consideration of the homestead bill, and they are reasons which I think appeal to the friends of the measure. I do not profess to be one of its friends, and if I am called upon to vote on it, without instructions, I shall certainly vote against it. But I observe, by the captions of the acts of the legislature of Alabama, which have been sent to me, that numerous resolutions and memorials in respect to the public lands have been adopted by that body. My colleague and myself have not received a number corresponding to those adopted, according to the captions. One of them may reliate to the homestead bill, as nearly half the lands within the limits of my State are still public and unappropriated. Hence I say a reason personal to myself prompts me to ask that this measure may be delerred.

But there is another reason which I think appeals especially to all the friends of the measure. I suppose the friends of the measure wish to do the greatest good to the cussed in open session; and yet gentleane go on here by greatest number. Now, I observe, by extracts from the foreign papers, that a large emigration to this country, this spring. The homestead bill, as it came from the floure, provides by its terms only for those who are residues of the United States at the time of its passage. Hence, I would say to my friend from I low that the longer he defers this measure the more homes will be provided for the homeless, and the more land for the landless. Then, I trust I do not appeal to his philanthropy in vain when I ask him to wait, and to defer the measure and the more land for the landless. Then, I trust I do not appeal to his philanthropy in vain when I ask him to wait, and to defer the measure and the sension wain when I ask him to wait, and to defer the measure when it has the construction of the Senate has no application at all to a more land for the landless. Then, I trust I do not appeal to his philanthropy in when I ask him to wait, and to defer the measure will be provided for all the German and other immigrants who will convolve for all the German and other immigrants who will creatly part of the summer, and give all a home; for if you

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provide for all the German and other immigrants who will crowd upon our shores during the spring and the early part of the summer, and give all a home; for if you pass the bill now, all those who come hereafter will be excluded, or they may be tempted to a crime which I fear this bill may induce very commonly, that of perjury; but if you will put it off till near the close of the session, they may not be tempted to violate our laws by committing perjury, and they will, at the same time, be brought within the generous and wholesome provisions of the bill.

structions. And I ask it, furthermore, in order that you may provide homes for the largest number.

Mr. DODGE, of lowa. I am very well satisfied that my friend from Alabama cannot have read the bill, or he would not make the statement he has just made. I un derstand that he asserts that the homestead bill now provides for no other persons than are actually residents of the United States at this time?

Mr. CLAY. At the time of the passage of the bill.

Mr. DODGE, of Iowa. Well, sir, I think the bill has a separate section directed to meet the very case to which

Mr. DODGE, of Iowa. Well, sir, I think the bill has a separate section directed to meet the very case to which the senator refers.

Mr. ADAMS. I think not.
Mr. DODGE, of Iowa. My friend from Mississippi, who has deserted us on this question, receives with approbation the remarks of my friend from Alabama, and announces that it has not such a provision. I propose to remedy all these things, when we get at the bill, by offering such amendments as will meet the case in its broadest aspect. I propose, at least, to put upon the statute-book such a law as the whig party put upon it in 1841.

Mr. MASON. I am very reluctant to interrupt the senator, but it is manifest that the debate is now proceeding upon the merits of what is called the homestead bill.

their intention to become citizens. The poor German works his way three thousand miles up the Mississippi, with his family, and goes into Nebraska, or Kansas, or Minnesota, to work your roads and fight your battles, is the man who is identified with you in every way; and for him I want a homestead, and I trust I shall get it. If the bill is not now so worded as to give it, we shall have it so amended, if we have the power.

Mr. WADE called for the yeas and nays.
Several Senators. Oh no; that is not necessary.

Mr. WADE I withdraw the call.

Mr. BROWN. I renew it. As this is a trial of strength, I wish to know who is for the homestead hill, and who is against it.

The yeas and nays were ordered.

Mr. RUSK. I do not regard this vote as any such test as the senator from Missiesippi chooses to make it—as a controversy between the homestead bill and anything else. The homestead bill is here, and can be attended to at any time. I think the argument is unfair. An appeal is made to the friends of the homestead bill to the detriment of a question upon which we cannot talk here, and which some of us regard as very important, and on which action ought to be taken shortly.

Mr. BROWN. I know of no measure whatever before the Senate anywhere, which I regard as of more importance than the homestead bill. I cannot go so far as some other senators, and say that I will vote for that bill in any form in which it may be presented; but I do say that a homestead bill which shall provide homes for those who are homeless, is, in my mind, the most important matter which can come before the Senate. Senators

and dispose of that bill, no mailer what may be in the ay.

Mr. DOUGLAS. I hope that some day will be agreed all hope it will be an early day, so as not to conflict with the favorite measure of my friend from California—the Pacific-railroad bill. I do not know why we can not make the homestead bill the special order for to-mortow.

Mr. WALKER. It is now the special order.

ons will vary it.

Mr. MASON. I vary it; and, in the language of the ule. I move "to shut the doors of the Senate."

Mr. SHIELDS. The question will then be upon that

"On a motion made and seconded to shut the doors of he Senate on the discussion of any business which may, in he opinion of a member, sequire secrecy, the President hall direct the gallery to be cleared."

shall direct the gallery to be cleared."

The PRESIDENT. The rule is peremptory.

Mr. BADGER. Now, I beg to submit, if we are going to reverse the rules of the Senate, I have nothing to say; but I think we ought to know what we are doing. The case provided for by the rule which has been read is a case where a subject is under consideration in the Senate, and a senator suggests that that subject ought not to be considered except with closed doors. This is a motion to go into executive session. A senator siny say, "Why, there is no subject before the Senate but that motion."

What subject is there here? Are we going to reverse the rule, and say now that any gentleman may clear the

Senate, but to avail myself of the rules of the Senate to get at the discussion of important public business, which requires that the doors shall be closed.

Mr. BADGER What is the "business" before the

Senate!

Mr. MASON. I move "to shut the doors of the Senate," and I understand by the rules that when that motion is made, and when in the opinion of the member making it the discussion of the business brought before the Senate should be in secret, the President of the Senate is to direct the galleries to be cleared.

Mr. PETTIT. But we shall not then be in executive

we cannot speak in public. I insist, therefore, that the rule shall be observed.

The PRESIDENT. If the senator asks that the galleries and the construction of the clear the galleries.

Mr. BADGER. I hope that order will not be made. That rule of the Senate has no application at all to a motion to go into executive session. We result the speak of the galleries of the galleries of the galleries of the galleries.

Mr. BADGER. I hope that order will not be made. That rule of the Senate has no application at all to a motion to go into executive session, but not in this way. Actoring to this construction of the Senate, now eight seems on the galleries of the galleries to be cleared and the doors to be shut.

Mr. MASON. Undoubtedly; that is the very purposed to the declared that the closed doors. The Senate, by that rule, declares that such respect shall be paid to the declaration of a senator as that, before proceeding further, the doors shall be closed. But an ordinary motion to proceed to shall be closed. But an ordinary motion to proceed to shall be closed. But an ordinary motion to proceed to the consideration of executive business is not the case contemplated by the rule. Who gets up heter now and stays there is a particular subject which requires that the doors that be closed. But an ordinary motion to proceed to the consideration of executive business. Should that be adopted, another rule requires that the consideration of executive business. Should that be adopted, another rule requires that the senator from Delaware. Mr. BADGER. No, sir; the question is on going into the consideration of executive business strangers shall be excluded. The other rule applies to a different case altogether. The question of the consideration of executive business strangers shall be excluded. The other rule applies to a different case altogether. The question of the consideration of executive business that there is an other billing of the Chair, and the state of things is now on a motion for an executive seasion.

Mr. BADGER. N measures, or whether we shall go into executive session, no matter for what purpose—this an executive purpose—this rule applies, and it is for that precise purpose that it was made. Not that we are to go at once into executive session, but, if the motion is made to close the doors, the President orders the gallery to be cleared, and then we discuss fairly, without any restraint, the question whether we will proceed to executive duties, or whether we will proceed to the discharge of legislative duties. When you have thus applied this rule, you have the question so presented to you that you can discuss the propriety of one course as well as the propriety of the other. While we are in legislative session, we can only discuss the propriety of proceeding to the discharge of legislative, and not of executive duties. That is my view of the rule.

Mr. BADGER, (in his seat) No, sir; I think not.

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Mr. BADGER, (in hi

The Senate, therefore, has a general standing rule, that, when it proceeds to the consideration of executive business, strangers shall be excluded. Now, a gentleman arises and moves that the Senate proceed to the consideration of executive business. That is the question now

eration of executive business. That is the question now before the Senate.

Mr. MASON. Not now.
Mr. BADGER. Certainly it is.
Mr. MASON. I moved, in the precise terms of the 18th rule, to shut the doors of the Senate.
Mr. BADGER. Very well; take it that way. Then, there is no question before the Senate. There is no subject before the Senate. A senator arises in his place, and says that he moves to shut the doors of the Senate. Now, let us see if that helps the state of this case. The 18th rule, upon which this motion is found-

Mr. PETIT. But we shall not then be in executive session.

Mr. SHIELDS. Will the senator from Virginia be good enough to specify the subject on which he bases that motion?

Mr. MASON. I will communicate it to the senator from Virginia be with great pleasure, but to him only in secrecy.

Mr. SHIELDS. But I want it communicated to the Senate on which the senator on which the senator on which the senator of any business. Have I a right to come in here the moment that the President takes in season to decide whether they will not soon as a motion is made to shut the doors it is the duty of the Chair to direct the gallery to be cleared.

Mr. SHIELDS. I appeal from that decision, and wish to state my grounds, briefly, for the appeal.

Mr. BYLER. I hope all these technicalities will be put asside, and that we will now go into executive session. If the senator on the discussion of any business. "Not executive as we have not a long time to be detained, and I hope we whall not take up the homestead bill at this hour of the senator will allow me, I will relieve myself and the Senate of this difficulty. Inasmuch secrecy." No. Now, what is the subject-matter which is not necessary to discuss the question in secret, of gone the subject of this motion, decided that it is not necessary to discuss the question in secret, of gone the subject of this motion of any business."

Now, if we have no question before us—if there is no "obsiness" before us—what is the subject-matter which is not necessary to discuss the question in secret, of gone and then the Senate gone on which the senator makes in not on and discusses that doors of any business."

Mr. SUSK. I call the senator to order.

The PRESIDENT. The Chair is of opinion that as soon as a motion is made to shut the doors of the Senate on the discussion of any business. There must be sonator as a subject on the tensition of the

Mr BUTLER. I hope that all of these matters will be waived. I think that they are taking up a good deal

ginia.

Mr. BADGER. Oh, no; I do not. If my friend will allow me, the senator from Virginia is right—when we close the doors we are not in executive session. We shall then have to debate the question in secret session, whether we will go into executive session. That is the rale.

shall then have to debate the question in secret session, whether we will go into executive session. That is the rule.

Mr. BUTLER. I wish to make a single remark. Suppose that the senator from Virginia were to go to the President's House, as the organ of the Committee on Forseign Relations, after having communicated with the State Department in relation to ome matters that have taken place in Cuba—in relation to questions deeply involving the honor and interest, and requiring the prompt action, of this government; and suppose that he were to rise and say that a communication has been made by the President, which now lies upon your table, and, upon his responsibility as a senator from Virginia move that we go into executive session, and that the galleries be cleared; certainly, he would have a right to have them cleared, for the purpose of considering that matter. And I may be permitted to say that matters are now before the Senate, in reference to this matter, that ought to have been discussed in secret session. If my friend from Virginia were to come forward and say that new developments have been made, that require us to take action upon subjects that have been discussed, and which required an executive session, and to say, I move that we go into executive session upon my responsibility, because there are matters which require the despatchul action of the Senate, I

tive session, and to say, I move that we go into executive session upon my responsibility, because there are matters which require the despatchful action of the Senate, I take it that it ought to be within the purview of that rule. He has said so.

Mr. BADGER, (in his seat) No, sir; I think not.

Mr. BUTLER He has said upon his responsibility that he believes that the public interest requires us to go into executive session, and he makes the motion that the galleries be cleared. I hope that senators will take my advice, and withdraw all motions, one way or the other, and go into executive session without further debate. I move, Mr. President, that we go into executive session, and by common consent, I think, we can end all dispute.

session.

Mr. STUART. If the appeal from the decision of the Chair is withdrawn, I have nothing to say; but if I am to be called upon to vote upon the appeal, I wish to state in a few words the construction which I give to this rule; and, for the purpose of giving my views completely,

" On a motion made and seconded to shut the doors

serious continuement recommend and the serious of the control of t

den treaty was under discussion when this motion was made.

Mr. CLAYTON. Did the gentleman hear the debate? Mr. DOUGLAS. I do not think it could be before the Senate. It was not a pending question, and therefore was not before us. A motion was made to proceed to a the consideration of executive business. The purpose may have been to confirm the nomination of a consult at Dublin, or a postmaster in some place. The question was, simply, shall we proceed to the consideration of executive business? It was not "business" that was a motion to proceed to the consideration of this rule can be made. This rule applies to cases where there is business pending and under discussion. There was no business that the discussion is not proper in open session. Upon that suggestion he can have the doors closed until the propriety of its consideration in open session can be determined. Otherwise, any senator can be that the public interest requires an executive session that the public interest requires an executive session of that the public interest referred to was the confirmation of an and aking to have the doors closed for that purpose; and when you get into executive session; it may be found that the public interest referred to was the confirmation of an indian agent confirmed. Perhaps he is going home, and it is important in his estimation that the confirmation should be made. Now, is it possible that such a con-